

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

In the Matter of the Application of Comcast Phone of)	DOCKET NO: 2019-____-C
South Carolina, Inc., for an Amended Certificate of)	
Public Convenience and Necessity to Provide Local)	
Exchange and Interexchange Telecommunications)	
Services in the Service Area of Home Telephone)	
Company, Inc., For Flexible Rate Structure for Local)	
Exchange Service Offerings, and for Alternative)	
<u>Regulation</u>)	

APPLICATION OF COMCAST PHONE OF SOUTH CAROLINA, INC.

Comcast Phone of South Carolina, Inc. (“Comcast Phone” or “Applicant”), by counsel, pursuant to S.C. Code Ann. § 58-9-280 and the rules of the South Carolina Public Service Commission (“Commission”), hereby submits this Application to amend its Certificate of Public Convenience and Necessity previously approved by this Commission.¹ The Applicant requests authority to provide local exchange and interexchange telecommunications services in communities immediately north of Charleston, in local exchanges served by Home Telephone Company, Inc., d/b/a Home Telecom (“Home Telecom”) (“Proposed Service Area”). Consistent with the authority it currently holds, Applicant further requests flexible

¹ The Commission first approved Comcast Phone’s Certificate of Public Convenience and Necessity to provide local exchange and interexchange telecommunications services in Order No. 1998-409 and 2004-604 in Docket No. 1998-54-C and approved alternative regulation in Docket No. 1995-661-C. *See Application of Comcast Telephony Communications of South Carolina, Inc. for a Certificate of Public Convenience and Necessity to Provide Competitive Local Exchange, Private Line and Special Access Services in those Portions of the State of South Carolina Serviced by BellSouth Telecommunications, Inc.*, Docket No. 1998-54-C, Order No. 1998-409 (June 3, 1998) (“Original Application”). The Commission also approved an amendment of the certificate in 2005. *See Application of Comcast Phone of South Carolina, Inc. for an Amended Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services, for Flexible Rate Structure for Local Exchange Service Offerings and for Alternative Regulation*, Docket No. 2005-303-C, Order No. 2005-743 (Dec. 19, 2005).

rate structure authority and alternative regulation as well as a waiver of the requirements outlined herein.

In support of this Application, Comcast Phone respectfully submits the following:

1. The name and address of the Applicant are:

Comcast Phone of South Carolina, Inc.
One Comcast Center
Philadelphia, PA 19103

2. All correspondence, notices, inquiries, and other communications regarding this Application should be addressed to:

Beth O'Donnell
Comcast Phone of South Carolina, Inc.
One Comcast Center, 55th Floor
Philadelphia, PA 19103
Attn: Beth O'Donnell
(215) 286-5187
Beth_O'Donnell@Comcast.com

with copies to counsel:

Frank R. Ellerbe, III
Samuel J. Wellborn
Robinson Gray Stepp & Laffitte, LLC
1310 Gadsden Street
PO Box 11449
Columbia, SC 29211
(803) 929-1400
fellerbe@robinsongray.com
swellborn@robinsongray.com

Michael C. Sloan
Davis Wright Tremaine LLP
1919 Pennsylvania Ave. NW
Suite 800
Washington, DC 20006
(202) 973-4227
Fax: (202) 973-4427
michaelsloan@dwt.com

3. Questions concerning Comcast Phone's ongoing operations should be directed to:

David Konuch
Vice President
Comcast Cable Communications, LLC
2605 Circle 75 Pkwy SE
Atlanta, GA 30339
David_Konuch@Comcast.com

4. Description of the Applicant:

Comcast Phone is a corporation organized and existing under the laws of the State of South Carolina. Comcast Phone attached copies of its Articles of Incorporation and Certificate of Existence to its Original Application in Docket No. 1998-054-C and incorporates those documents herein by reference.² Comcast Phone maintains its headquarters and principal place of business at One Comcast Center, Philadelphia, PA 19103-2838. Pursuant to the authority granted to Comcast Phone by the Commission, Comcast Phone is a facilities-based local exchange carrier authorized to provide local exchange, interexchange, and other telecommunications services in certain areas in South Carolina. Comcast Phone seeks the same authority in the Proposed Service Area.

5. Customer Service:

Comcast Phone's services are available to subscribers twenty-four (24) hours per day, seven (7) days a week. Customer service representatives are available to assist customers at any time at Applicant's toll-free number: 1 (800) COMCAST.

² *Original Application* at Exhibit A-1 (Articles of Incorporation) and Exhibit A-2 (Certificate of Existence), available at <https://dms.psc.sc.gov/Attachments/Matter/1a65c4d4-155d-2817-10e55d0f65c25025>.

6. Financial Ability:

As an indirect, wholly-owned subsidiary of Comcast Corporation (NASDAQ: CMCSA), the Applicant has sufficient financial resources to initiate and maintain operations in the Proposed Service Area.³ Comcast Phone will continue to rely upon the financial resources of Comcast Corporation to fund its operations in South Carolina.

7. Managerial and Technical Ability:

Comcast Phone has an experienced management team that oversees its business and technical operations. This team will also oversee the operations in the Proposed Service Area. In Order 1998-409, the Commission concluded that Comcast Phone possesses the financial, managerial, and technical resources necessary to provide telecommunications services in South Carolina. The basis for the Commission's conclusion remains unchanged.

8. Description of Services Offered and Proposed Service Territory:

Comcast Phone has previously received authorization from the Commission to provide competitive local exchange, private line, and special access services within South Carolina. In this application, Comcast Phone requests that its certificate be amended to enable it to serve an additional service territory. Prior to providing services in the Proposed Service Area, Comcast Phone will enter into an interconnection agreement with Home Telecom.

9. Public Interest and Need:

Granting Comcast Phone's Application is consistent with S.C. Code Ann. § 58-9-280(B). Comcast Phone makes the following representations to the Commission:

1. Comcast Phone possesses the requisite technical, financial, and managerial resources sufficient to provide the services requested;

³ Financial Statements from the most recent SEC Form 10-K of Comcast Corporation are available at <https://www.cmcsa.com/static-files/111ba611-eb85-4edc-9000-3907c84697d8>.

2. Comcast Phone's services will meet service standards required by the Commission;
3. The provision of services by Comcast Phone will not adversely impact the availability of affordable telecommunications service;
4. Comcast Phone, to the extent it is required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and
5. The provision of services by Comcast Phone will not adversely impact the public interest.

Commission approval of this Application will serve the public interest. Comcast Phone will provide high-quality service at competitive prices in the Proposed Service Area. The introduction of an additional competitor in the Proposed Service Area will expand the range of service options available to customers, which will enhance the availability, affordability, and quality of telecommunications services for South Carolina consumers.

10. Regulatory Compliance and Waivers:

Comcast Phone requests that the Commission allow it to employ a flexible local exchange rate structure in accordance with Order No. 1998-165 in Docket No. 1997-467-C. Specifically, Comcast Phone requests that:

- a. the Commission adopt, for Comcast Phone's local exchange services, a competitive rate structure incorporating maximum rate levels with the flexibility for rate adjustment below the maximum rate levels; and
- b. its local exchange service tariff filings be presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of such filings. At the discretion of the Commission, such filings would be suspended pending further order of the Commission and any such filings would be subject to the same monitoring process that is applied to other, similarly situated carriers.

Comcast Phone requests that all of its future service offerings be regulated pursuant to the procedures described and set out in Order No. 1995-1734 and 1996-55 in Docket No. 95-661-C, as modified by Order No. 2001-997 in Docket No. 2000-407-C, commensurate with its current regulatory status. Specifically, Comcast Phone requests:

- a. removal of tariff requirements for business services, consumer card, operator services, private line offerings;
- b. a presumption that the tariff filings for these uncapped offerings are valid upon filing. If the Commission institutes an investigation of a particular filing within seven (7) days, the tariff filing will be suspended until further order of the Commission; and
- c. that the Commission grant the Applicant the same treatment as it currently receives elsewhere in the state.

Comcast Phone also requests that the Commission grant it a waiver of regulatory requirements that are inapplicable to similarly situated providers of interexchange and local exchange services. Consistent with Commission Rule 103-601(3), Comcast Phone requests a waiver of the following rules:

- a. Retention of Records (R. 103-610). Comcast Phone requests that it be exempt from maintaining books and records in the state and be permitted to maintain its books and records at its headquarters in Philadelphia, Pennsylvania. In the event the Commission finds it necessary to review the Applicant's books, this information will be provided in a timely manner, upon request by the Commission or Commission staff.
- b. Financial Record-Keeping System (R. 103-611). Comcast Phone requests that it be exempt from any record-keeping rules or regulations that might require it to maintain its financial records in conformance with the Uniform System of Accounts ("USOA"). The USOA was developed by the Federal Communications Commission as a means of regulating telecommunications companies subject to rate base regulation. Comcast Phone asserts that, because it utilizes GAAP, the Commission will have a reliable means by which to evaluate its operations.
- c. Local Exchange Directories (R. 103-631). Comcast Phone requests that it not be required to publish local exchange directories, consistent with its current operations. Comcast Phone anticipates providing exclusively wholesale services to interconnected voice over Internet protocol (VoIP) providers and third-party interexchange carriers and does not anticipate serving end-users who will require listing services. If Comcast Phone chooses to provide local exchange services to end-user customers in the future, it will make arrangements to publish directories consistent with Commission requirements.
- d. Operating Area Maps (R. 103-612.2.3). Comcast Phone will be offering service within the geographic service area of Home Telecom and will adopt Home Telecom's rate centers for jurisdictional purposes. Comcast Phone requests that the Commission forbear from requiring it to prepare and file its own service territory map.

For the reasons set forth above, Comcast Phone respectfully asks that the Commission grant it the authority, regulatory treatment, and waivers requested in this Application as well as any other relief the Commission deems necessary and appropriate.

Respectfully submitted,

s/Frank R. Ellerbe, III

Frank R. Ellerbe, III

Samuel J. Wellborn

Robinson Gray Stepp & Laffitte, LLC

1310 Gadsden Street

PO Box 11449

Columbia, SC 29211

fellerbe@robinsongray.com

swellborn@robinsongray.com

(803) 929-1400

Counsel for Applicant

Comcast Phone of South Carolina, Inc.

Dated: February 7, 2019